

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

EDWARDS, Roger.

Serial No.: 09/744,772

Filed: January 25, 2001

For: **COPY PROTECTION OF DIGITAL
AUDIO COMPACT DISCS**

) Group Art Unit:

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) Examiner: LAUFER, P.

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JUL 08 2002

Technology Center 2100

REQUEST FOR RECONSIDERATION OF PETITION TO MAKE SPECIAL UNDER 37
CFR 1.102(d)

Dear Sir:

The applicant, Macrovision Corporation, respectfully requests for reconsideration of Petition to Make Special for the above-identified patent application which was first filed in October 2001.

As suggested by Examiner Pinchus Laufer in a written communication dated May 22, 2002 and in a subsequent telephone conversation, the attorney of record, Frank Nguyen, is submitting a supplemental declaration that more exactly follows the criteria stated under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(II): Infringement.

The Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account: 13-0762.

Respectfully submitted,

Date 06/06/02

Frank Nguyen

Frank Nguyen
Registration No. 39,790
Phone: 408-562-8424

Fax: 408-743-9659

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SUPPLEMENTAL DECLARATION OF FRANK NGUYEN

Dear Sir:

I, Frank Nguyen, hereby declare:

1. I am the in-house Patent Counsel and attorney of record for the applicant, Macrovision Corporation, in the above-identified application.

2. I am a member of the bar of the State of California (Registration No. 174,072) and a registered Patent Attorney (Registration No. 39,790).

3. I make this supplemental declaration as part of a request for reconsideration of the Petition to Make Special in the above-identified application which was first filed on October 26, 2001.

4. To my best knowledge, there is an infringing device or product actually on the market or method in use.

5. To the best of my capability and understanding, a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in my opinion, some of the claims are unquestionably infringed.

6. In addition to the EPO search, the results of which were disclosed in an Information Disclosure Statement (IDS) submitted to the United States Patent Office (USPTO) on January 25, 2001, an internal search has turned up PCT published application WO 01/80546 which is a continuation-in-part application of US Patent No. 6,256,738 (having application No. 09/175,255). Although it is believed that the aforementioned application predates PCT application WO 01/80546, WO 01/80546 is disclosed in an attached IDS so as to err on the side of caution. US Patent No. 6,256,738 is also disclosed in the attached IDS.

7. I further declare that all statements made herein of my own personal knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above referenced application or any patent issuing thereon.

Date 06/06/02

Frank Nguyen

Frank Nguyen

Registration No. 39,790